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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/309,879	05/11/99	NUGENT	

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MM92/0213

EXAMINER
STEVENS, M

ART UNIT
2855

PAPER NUMBER

DATE MAILED: 02/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/309,879

Applicant(s)
Nugent et al

Examiner
Maurice Stevens

Group Art Unit
2855



☒ Responsive to communication(s) filed on Dec 1, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 7 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 7 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

The drawings are objected to because in figure 4 the reference number {300} does not refer to or point out anything and figure 1 should be labeled "prior art". Correction is required.

Claim Objections

Claim 7 is objected to because of the following informalities: the word "ad" should be written *and* in line 22 of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 7 recites the limitations "the fastening plate" line 5 and "the time indication button" in line 19. There is insufficient antecedent basis for these limitations in the claim.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The claim 7 is rejected under 35 U.S.C. 103 as being unpatentable over Lichtwardt (5476287), in view of Sakakibara et al (4561606) and Suran et al (5520263).

Lichtwardt discloses a tightening unit having a fastening plate (column 3, lines 14-15), a pulling force recording unit for mounting to a fastening seat of the safety belt (fig. 1, {32}), an ^{28+30+ processor} impact status recording unit (fig. 1, {26}), a recording indication unit (fig. 1, {28}), wherein the pulling force recording unit comprises a clipping frame containing a fastening loop with one end protruded out from the sensing device (fig. 2, ⁽³²⁾), and the fastening status recording unit comprises an enumerating sensing switch (column 3, lines 11-15), electrical signal and resistance of the above units are transferred to the record indication unit (column 3, lines 16-20), wherein the tightening unit comprises an engaging element and a releasing button, and a partial of the releasing button is exposed laterally and the engaging element is adhered to the lateral face of the releasing button to elastically mount the fastening belt of the safety belt (column 3, lines 14-15). However, Lichtwardt does not disclose an elastic mounting unit capable of changing the resistance value when a pulling force is exerted the impact status recording unit comprises a pendulum mounted on which changes the resistance value of circuit board by the swinging of the

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pendulum, wherein the record indication unit comprises two time indication batteries, a time adjusting button, an impact force indication light at least one battery, a plurality of IC's and an indication circuit board formed from a signal line connector, the battery provides the required power of the device and the two time indication circuits record the time simultaneously, wherein when impact, one of the time indication circuits receives an impact signal from the pulling force record unit and the impact status record unit and wherein when impact the other time indication circuit continues time recording.

Sakakibara et al discloses an elastic mounting unit capable of changing the resistance value when a pulling force is exerted the impact status recording unit comprises a pendulum mounted on which changes the resistance value of circuit board by the swinging of the pendulum (fig.2, {21⁹}), wherein the fastener engaging body comprises a fastening plate, and one end if the plate is mounted with a rotating shaft having a twisted spring, by means of the spring urging the fastening plate, an elastic engaging is formed (fig. 1, {6 spring casing for a twisted spring} and {35 storing means rotates the reel}),

Suran et al discloses wherein the record indication unit comprises two time indication batteries, a time adjusting button, an impact force indication light at least one battery, a plurality of IC's and an indication circuit board formed from a signal line connector, the battery provides the required power of the device and the two time indication circuits record the time simultaneously (fig. 3), wherein when impact, one of the time indication circuits receives an impact signal from the pulling force record unit and the impact status record unit (column 8, lines

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49-54) and wherein when impact the other time indication circuit continues time recording (column 7, lines 30-39).

Since Lichtwardt, Sakakibara et al and Suran et al are all from the same field of endeavor, the purpose disclosed by Sakakibara et al would have been recognized in the pertinent art of Lichtwardt.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify Lichtwardt according to the teachings of Sakakibara et al and Suran et al for the purpose of using a pendulum mounted to a seat belt apparatus to detect shock applied to the automobile body and having another time indication circuit that continues recording after an impact of the car.

Response to Arguments

Applicant's arguments filed 12-1-00 have been fully considered but they are not persuasive. Applicant argues repeatedly in the response to the examiner's rejection that the "reference must be mounted on a car at the time the car is assembled" as such statement might be true, the prior art still reads on the invention submitted by applicant because there is nothing stated about an apparatus that cannot be put on the vehicle at the time of assembly in the claim. Applicant also addresses all of the prior art as if the rejection given by the examiner was a 102. The rejection was a 103 rejection meaning that the combination of the prior art together reads on

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the invention. The claim 7 is an apparatus claim and all the featured elements are taught by the combination of the prior arts in the seat belt art making the claims unpatentable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

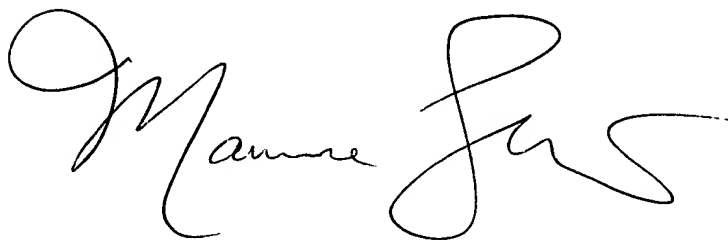
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Stevens whose telephone number is (703) 306-5895. The examiner can normally be reached on Monday-Thursday from 7:00 AM-3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Benjamin Fuller, can be reached on (703) 308-0079. The fax phone number for this Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A large, stylized handwritten signature in black ink, appearing to read "M. Fuller".

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2-1-01

A smaller handwritten signature in black ink, appearing to read "Benjamin R. Fuller".

Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800